

House Bill 36

By: Representative Holt of the 112th

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation pursuant to application by 100 percent of landowners, so as to change certain provisions regarding annexation into an adjoining county; to provide for additional requirements with respect to certain subsequent annexations; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation pursuant to application by 100 percent of landowners, is amended by revising Code Section 36-36-23, relating to annexation by a municipality into an adjoining county, as follows:

"36-36-23.

(a) ~~Annexation pursuant to this article by a municipal corporation into an adjoining county in which the municipality is not already located shall be accomplished in accordance with this Code section.~~ This Code section shall apply to annexations pursuant to this article by a municipality into a county in which the municipality:

(1) Is not already located; or

(2) Has previously annexed into such other county on or after July 1, 1962, and prior to July 1, 2000.

(b) Within ten business days of receiving an application for annexation, the municipal corporation shall provide written notice to the county governing authority of the adjoining county of its intent to ~~annex~~ conduct an annexation which is subject to the requirements of this Code section into the county. Such notice shall include a map or other description of the land proposed for annexation sufficient for the county to identify the location of the proposed annexation. A meeting between the county governing authority and municipal governing authority shall be held to discuss the proposed annexation if the county governing authority files a written request for such meeting with the municipal governing authority

1 within 15 days of receipt of the notice of the proposed annexation. The requested meeting
2 shall be held within 15 days of the request by the county unless otherwise agreed to by the
3 county and the municipality.

4 ~~(b)(c)~~ No municipality may ~~annex into an adjoining county in which the municipality is not~~
5 ~~already located~~ conduct an annexation which is subject to the requirements of this Code
6 section unless otherwise agreed to by the county governing authority of the adjoining county.
7 Such annexation shall be deemed approved, unless the county governing authority adopts a
8 resolution opposing the annexation within 30 days following the earlier of:

9 (1) The completion of the meeting between the municipal and county governing
10 authorities, if any, pursuant to subsection ~~(a)~~ (b) of this Code section; or

11 (2) Thirty days after notice of the proposed annexation from the municipal corporation to
12 the county governing authority, if no meeting is requested by the county governing
13 authority.

14 ~~(c)~~ (d) In making its decision, the county governing authority shall consider the following
15 factors:

16 (1) Whether the annexation ordinance is reasonable for the long-range economic and
17 overall well-being of the counties, school districts, and municipalities affected by the
18 annexation;

19 (2) Whether the health, safety, and welfare of property owners and citizens of the county,
20 municipalities, and area proposed to be annexed will be negatively affected by the
21 annexation;

22 (3) Whether the proposed annexation has any negative fiscal impact on the county, school
23 districts, and other municipalities that have not been mitigated by an agreement; and

24 (4) The interests of the property owner seeking annexation.

25 ~~(d)~~ (e) If the county governing authority disapproves the annexation, the municipal
26 corporation may challenge the disapproval by filing a complaint in the superior court of the
27 adjoining county into which such annexation has been proposed. The challenge shall be heard
28 by either a judge or senior judge who is not from the circuit in which either the county or the
29 municipality is located. If the court finds by a preponderance of the evidence that the
30 determination by the county based upon the factors enumerated in subsection ~~(c)~~ (d) of this
31 Code section is correct, then the denial by the county shall be sustained. If the denial is not
32 sustained, the annexation may proceed."

33 SECTION 2.

34 This Act shall become effective upon its approval by the Governor or upon its becoming law
35 without such approval.

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